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**TELEFAX****Date:** January 9, 2006**Total pages:** 14 (w/fax cover sheet)**To:** USPTO**Telephone:****Telefax:** 571 273 8300**From:** Patrea L. Pabst**Telephone:** 404-879-2151**Telefax:** 404-879-2160

**Our Docket No.** CMCC 779  
**Your Docket No.**

**Client/Matter No.** 078856 - 00047

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**MESSAGE:**

**AMENDMENT UNDER 37 C.F.R. 1.116  
EXPEDITED PROSECUTION  
ART UNIT 1647**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicants:** Samy Ashkar and Jairo Salcedo**Serial No.:** 09/981,845**Art Unit:** 1647**Filed:** October 18, 2001**Examiner:** Regina M. Deberry**For:** *OSTEOPONTIN-COATED SURFACES AND METHODS OF USE***Attachments:**

Transmittal Form PTO/SB/21;

Fee Transmittal Form PTO/SB/17; and

Amendment A1

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PTO/SB/21 (04-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/981,845  
Filing Date October 18, 2001  
First Named Inventor Samy Ashkar  
Art Unit 1647  
Examiner Name Regina M. Deberry  
Attorney Docket Number CMCC 779

## ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form  
☐ Fee Attached  
☒ Amendment/Reply  
☒ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/  
Incomplete Application  
☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board  
of Appeals and Interferences  
☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☐ Other Enclosure(s) (please identify  
below):

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Pabst Patent Group LLP  
Signature  
Printed name Patrea L. Pabst  
Date January 9, 2006 Reg. No. 31,284

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature  
Typed or printed name Patrea Pabst Date January 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CMCC 779 / 078856-00047

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JAN 09 2006

PTO/SB/17 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/01/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2005**☒ Applicant claims small entity status. 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,088.00)

**Complete if Known**

Application Number	09/981,845
Filing Date	October 18, 2001
First Named Inventor	Samy Ashkar
Examiner Name	Regina M. Deberry
Art Unit	1647
Attorney Docket No.	CMCC 779

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	0	x	=			
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	0	x	=			
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(C) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)** See *Amended Return of Second Filing of Notice of Appeal* **Fees Paid (\$)**

Non-English Specification \$130 fee (no small entity discount) *Reverted (\$165)*

Other: Balance of Appeal : fee

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 31,284	Telephone (404) 879-2151
Name (Print/Type) Patrea L. Pabst		Date January 9, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ART UNIT 1647

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Samy Ashkar and Jairo Salcedo

Serial No.: 09/981,845

Art Unit: 1647

Filed: October 18, 2001

Examiner: Regina M. Deberry

For: *OSTEOPONTIN-COATED SURFACES AND METHODS OF USE*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

This is in response to the final rejection of claims 1-3, 5 and 6 in the Office Action mailed August 8, 2005, in the above-identified patent application. A Notice of Appeal was mailed on November 8, 2005, the fee of \$250.00 paid as the fee for filing a notice of Appeal for a small entity. A notice of Appeal was filed in the above-identified patent application on June 14, 2004 and a fee of \$165 paid for filing a Notice of Appeal by a small entity. **REFUND OF THE \$165.00 CHARGED FOR THE RE-SUBMISSION OF THE NOTICE OF APPEAL IS RESPECTFULLY REQUESTED.** An Appeal brief was filed on August 16, 2004, and a Substitute Appeal Brief on December 2, 2004. The examiner reopened examination on March 17, 2005, in response to the Substitute Appeal Brief. The

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CMCC 779  
078856/00047

U.S.S.N. 09/981,845  
FILED: October 18, 2001  
AMENDMENT

**Commissioner was authorized to charge \$165 to Applicant's deposit account in payment of the Appeal Brief filed on August 16, 2004, the fee for filing an Appeal Brief for a small entity. It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.**

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PTO/SB/17 (12-04)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# **FEE TRANSMITTAL**

## **For FY 2005**

☒ Applicant claims small entity status. 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$168.00)

**Complete if Known**

Application Number	09/981,845
Filing Date	October 18, 2001
First Named Inventor	Samy Ashkar
Examiner Name	Regina M. Deberry
Art Unit	1647
Attorney Docket No.	CMCC 779

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☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

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☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
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Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** Extra Claims Fee (\$): Fee Paid (\$):

- 20 or HP = 0 x =

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** Extra Claims Fee (\$): Fee Paid (\$):

- 3 or HP = 0 x =

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

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**Total Sheets** Extra Sheets Number of each additional 50 or fraction thereof Fee (\$): Fee Paid (\$):

- 100 = 50 = (round up to a whole number) x =

**4. OTHER FEE(S)**

Non-English Specification \$130 fee (no small entity discount)

Other: Balance of Appeal : fee

<b>SUBMITTED BY</b>		Registration No. 31,284	Telephone (404) 879-2151
Signature		(Attorney/Agent)	
Name (Print/Type)	Patrea L. Pabst	Date	January 9, 2006

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